



## Senate

General Assembly

**File No. 118**

*January Session, 2005*

Substitute Senate Bill No. 179

*Senate, April 4, 2005*

The Committee on General Law reported through SEN. COLAPIETRO of the 31st Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

### **AN ACT CONCERNING THE LICENSING AND REGULATIONS OF MOTOR VEHICLE APPRAISERS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       Section 1. (NEW) (*Effective October 1, 2005*) (a) For purposes of  
2       sections 1 to 8, inclusive, of this act and sections 38a-769 and 42-271 of  
3       the general statutes, as amended by this act, "motor vehicle physical  
4       damage appraiser" means any person, partnership, association, limited  
5       liability company or corporation that practices as a business the  
6       appraising of damages to motor vehicles insured under automobile  
7       physical damage policies or on behalf of third party claimants.

8       (b) No person may act as an appraiser for motor vehicle physical  
9       damage claims on behalf of any insurance company or firm or  
10      corporation engaged in the adjustment or appraisal of motor vehicle  
11      claims unless the person has first secured a license from the  
12      Commissioner of Consumer Protection, and has paid the license fee  
13      specified in section 3 of this act, for each two-year period or fraction

14 thereof. The license shall be applied for as provided in section 2 of this  
15 act. The commissioner may waive the requirement for examination in  
16 the case of any applicant for a motor vehicle physical damage  
17 appraiser's license who is a nonresident of this state and who holds an  
18 equivalent license from any other state. Any such license issued by the  
19 commissioner shall be in force until the thirtieth day of June in each  
20 odd-numbered year unless sooner revoked or suspended. The license  
21 may be renewed biennially upon payment of the fee specified in  
22 section 3 of this act. The commissioner may adopt reasonable  
23 regulations, in accordance with chapter 54 of the general statutes,  
24 concerning standards for qualification, suspension or revocation of  
25 such licenses and the methods by which licensees shall conduct their  
26 business.

27 (c) Any person who violates any provision of this section shall be  
28 fined not more than five hundred dollars or imprisoned not more than  
29 one year, or both.

30 Sec. 2. (NEW) (*Effective October 1, 2005*) (a) Any person, partnership,  
31 association, corporation that is a resident in this state or has its  
32 principal place of business in this state, or a nonresident of this state  
33 who is not licensed in any other state, desiring to act within this state  
34 as a motor vehicle physical damage appraiser shall make a written  
35 application to the Commissioner of Consumer Protection for a resident  
36 license. Any other person, partnership, association or corporation  
37 desiring to act within this state as a motor vehicle physical damage  
38 appraiser shall make a written application to the commissioner for a  
39 nonresident license. No application for a nonresident license shall be  
40 granted unless the applicant holds an equivalent license from any  
41 other state. An application for a resident or nonresident license shall be  
42 made for each name or designation under which such business shall be  
43 conducted, in such form as the commissioner prescribes, stating any  
44 other business that the applicant desires also to transact. All initial  
45 applications shall be accompanied by a nonrefundable filing fee  
46 specified in section 3 of this act. The commissioner shall cause to be  
47 made such inquiry and examination as to the qualifications of each

48 such applicant as the commissioner considers necessary.

49 (b) Each application for a license shall be signed by: (1) The  
50 applicant, if the application is for an individual; (2) a licensed officer, if  
51 the application is for a corporation; (3) a licensed partner, if the  
52 application is for a partnership; and (4) a licensed principal, if the  
53 application is for any other applicant.

54 (c) Each applicant for a license shall furnish satisfactory evidence to  
55 the commissioner that the applicant is a person of good moral  
56 character and that the applicant is financially responsible. In order to  
57 determine the trustworthiness and competency of an applicant, the  
58 commissioner shall subject the applicant to personal written  
59 examination as to the applicant's competency to act as a motor vehicle  
60 physical damage appraiser. The commissioner may designate an  
61 independent testing service to prepare and administer such  
62 examination, provided any examination fees charged by such service  
63 shall be paid by the applicant. The commissioner shall collect the  
64 appropriate examination fee, as specified in section 3 of this act, which  
65 shall entitle the applicant to take the examination for licensure as a  
66 motor vehicle physical damage appraiser. When a testing service is  
67 used, the testing service shall pay such fee to the commissioner for  
68 each examination taken by an applicant. Each such examination shall  
69 be as the commissioner prescribes and shall be of sufficient scope to  
70 test the applicant's knowledge of the business of acting as a motor  
71 vehicle physical damage appraiser, the duties and responsibilities of a  
72 licensee and the laws of this state applicable to the business of acting as  
73 a motor vehicle physical damage appraiser. The commissioner may  
74 require a waiting period not exceeding six months, before reexamining  
75 any applicant who has failed to pass any such examination.

76 (d) Upon finding that an applicant meets the licensing requirements  
77 of this act and is in all respects properly qualified and trustworthy and  
78 that the granting of such license is not against the public interest, the  
79 commissioner may issue to the applicant a license to engage in the  
80 business of a motor vehicle physical damage appraiser, in such form as

81 the commissioner may adopt, to act within this state to the extent  
82 therein specified.

83 (e) The commissioner may adopt regulations, in accordance with  
84 chapter 54 of the general statutes, concerning the approval of schools  
85 offering courses in the business of acting as a motor vehicle physical  
86 damage appraiser, the content of such courses and the advertising to  
87 the public of the services of these schools.

88 (f) To further the enforcement of this section and to determine the  
89 eligibility of any licensee, the commissioner may, as often as the  
90 commissioner considers necessary, examine the books and records of  
91 any such licensee.

92 (g) A license may, in the discretion of the commissioner, be renewed  
93 or continued upon payment of the appropriate fee, as specified in  
94 section 3 of this act, without resubmission of the detailed information  
95 required in the original application.

96 Sec. 3. (NEW) (*Effective October 1, 2005*) The Commissioner of  
97 Consumer Protection shall collect the following fees with respect to  
98 motor vehicle physical damage appraisers: (1) An examination fee of  
99 forty dollars for each examination taken, except when a testing service  
100 is used, the testing service shall pay the forty-dollar fee to the  
101 commissioner for each examination taken by an applicant; (2) a fee of  
102 forty dollars for each license issued or renewed; and (3) the expense of  
103 any examination administered outside the state shall be the  
104 responsibility of the entity making the request and such entity shall  
105 pay to the commissioner one hundred dollars for such examination  
106 and the actual traveling expenses of the examination administrator to  
107 administer such examination.

108 Sec. 4. (NEW) (*Effective October 1, 2005*) Whenever the Commissioner  
109 of Consumer Protection receives an application for an initial license or  
110 license renewal, pursuant to the requirements of section 2 of this act,  
111 that is not accompanied by the required fees, the commissioner shall  
112 return such application together with all accompanying fees, unless

113 the commissioner, at the commissioner's discretion, chooses to invoice  
114 any such fees not submitted with the initial or renewal applications.  
115 Whenever the commissioner receives an application accompanied by  
116 the required fees accepted by the commissioner, all examination and  
117 filing fees are deemed paid.

118 Sec. 5. (NEW) (*Effective October 1, 2005*) (a) Any person, firm,  
119 partnership, association or corporation holding a license issued  
120 pursuant to section 2 of this act or holding a license in the name of a  
121 trade name shall notify the Commissioner of Consumer Protection, in  
122 writing, no later than thirty days after any change: (1) In business or  
123 residence address; (2) in employer; (3) in name; or (4) in licensed  
124 members of a firm, partnership, association or officers of a corporation  
125 as stated in the application for license.

126 (b) Any person, firm, partnership, association or corporation, or any  
127 person, firm, partnership, association or corporation acting as a trade  
128 name, holding a license issued pursuant to section 2 of this act shall  
129 notify the Commissioner of Consumer Protection, in writing, no later  
130 than thirty days after any bankruptcy proceeding or the conviction of a  
131 felony, or any administrative action taken against such licensee in  
132 another state no later than thirty days after the entering of the  
133 administrative order in that state. Such notification shall be  
134 accompanied by all supporting documentation.

135 (c) If, upon investigation, the commissioner determines that a  
136 licensee has violated the provisions of subsection (b) of this section, the  
137 commissioner may, following a hearing as specified in section 8 of this  
138 act, impose a fine upon and suspend or revoke the license of the  
139 licensee.

140 Sec. 6. (NEW) (*Effective October 1, 2005*) Any person wilfully  
141 misrepresenting any fact required to be disclosed in any application or  
142 in any other form, paper or document required to be filed with the  
143 Commissioner of Consumer Protection in connection with an  
144 application for a license issued by the commissioner pursuant to  
145 section 2 of this act shall be fined not more than five hundred dollars

146 or imprisoned not more than six months, or both.

147 Sec. 7. (NEW) (*Effective October 1, 2005*) Any person impersonating  
148 or attempting or offering to impersonate another person in taking or  
149 attempting or offering to take an examination held in accordance with  
150 an application for a motor vehicle physical damage appraiser license  
151 pursuant to section 2 of this act, or procuring any other person falsely  
152 to take or attempt or offer to take any such examination for an  
153 applicant for a license, shall be fined not more than five hundred  
154 dollars or imprisoned not more than six months, or both.

155 Sec. 8. (NEW) (*Effective October 1, 2005*) (a) The Commissioner of  
156 Consumer Protection, after reasonable notice to and hearing of any  
157 holder of a motor vehicle physical damage appraiser license issued by  
158 the commissioner, may suspend or revoke the license for cause shown.  
159 In addition to or in lieu of suspension or revocation, the commissioner  
160 may impose a fine not to exceed one thousand dollars. Hearings may  
161 be held by the commissioner or by the commissioner's designee.  
162 Whenever a person other than the commissioner acts as the hearing  
163 officer, the hearing officer shall submit to the commissioner a  
164 memorandum of the officer's findings and recommendations upon  
165 which the commissioner may base a decision.

166 (b) If a motor vehicle physical damage appraiser license held by a  
167 firm, association or corporation is revoked, the motor vehicle physical  
168 damage appraiser licenses of any principal of such firm or association  
169 or any officer or director of such corporation shall be revoked, unless  
170 the commissioner determines that such principal, officer or director  
171 was not personally at fault in the matter on account of which such  
172 license held by the firm, association or corporation was revoked.

173 (c) Any person aggrieved by the action of the commissioner in  
174 revoking, suspending or refusing to grant or reissue a license or in  
175 imposing a fine may appeal therefrom in accordance with the  
176 provisions of section 4-183 of the general statutes, except venue for  
177 such appeal shall be in the judicial district of New Britain. Appeals  
178 under this section shall be privileged in respect to the order of trial

179 assignment.

180 Sec. 9. Subsection (a) of section 38a-11 of the general statutes is  
181 repealed and the following is substituted in lieu thereof (*Effective*  
182 *October 1, 2005*):

183 (a) The commissioner shall demand and receive the following fees:  
184 (1) For the annual fee for each license issued to a domestic insurance  
185 company, one hundred dollars; (2) for receiving and filing annual  
186 reports of domestic insurance companies, twenty-five dollars; (3) for  
187 filing all documents prerequisite to the issuance of a license to an  
188 insurance company, one hundred seventy-five dollars, except that the  
189 fee for such filings by any health care center, as defined in section 38a-  
190 175, shall be one thousand one hundred dollars; (4) for filing any  
191 additional paper required by law, fifteen dollars; (5) for each certificate  
192 of valuation, organization, reciprocity or compliance, twenty dollars;  
193 (6) for each certified copy of a license to a company, twenty dollars; (7)  
194 for each certified copy of a report or certificate of condition of a  
195 company to be filed in any other state, twenty dollars; (8) for  
196 amending a certificate of authority, one hundred dollars; (9) for each  
197 license issued to a rating organization, one hundred dollars. In  
198 addition, insurance companies shall pay any fees imposed under  
199 section 12-211; (10) a filing fee of twenty-five dollars for each initial  
200 application for a license made pursuant to section 38a-769; (11) with  
201 respect to insurance agents' appointments: (A) A filing fee of twenty-  
202 five dollars for each request for any agent appointment; (B) a fee of  
203 forty dollars for each appointment issued to an agent of a domestic  
204 insurance company or for each appointment continued; and (C) a fee  
205 of twenty dollars for each appointment issued to an agent of any other  
206 insurance company or for each appointment continued, except that no  
207 fee shall be payable for an appointment issued to an agent of an  
208 insurance company domiciled in a state or foreign country which does  
209 not require any fee for an appointment issued to an agent of a  
210 Connecticut insurance company; (12) with respect to insurance  
211 producers: (A) An examination fee of seven dollars for each  
212 examination taken, except when a testing service is used, the testing

213 service shall pay a fee of seven dollars to the commissioner for each  
214 examination taken by an applicant; (B) a fee of forty dollars for each  
215 license issued; and (C) a fee of forty dollars for each license renewed;  
216 (13) with respect to public adjusters: (A) An examination fee of seven  
217 dollars for each examination taken, except when a testing service is  
218 used, the testing service shall pay a fee of seven dollars to the  
219 commissioner for each examination taken by an applicant; and (B) a fee  
220 of one hundred twenty-five dollars for each license issued or renewed;  
221 (14) with respect to casualty adjusters: (A) An examination fee of ten  
222 dollars for each examination taken, except when a testing service is  
223 used, the testing service shall pay a fee of ten dollars to the  
224 commissioner for each examination taken by an applicant; (B) a fee of  
225 forty dollars for each license issued or renewed; and (C) the expense of  
226 any examination administered outside the state shall be the  
227 responsibility of the entity making the request and such entity shall  
228 pay to the commissioner one hundred dollars for such examination  
229 and the actual traveling expenses of the examination administrator to  
230 administer such examination; [(15) with respect to motor vehicle  
231 physical damage appraisers: (A) An examination fee of forty dollars  
232 for each examination taken, except when a testing service is used, the  
233 testing service shall pay a fee of forty dollars to the commissioner for  
234 each examination taken by an applicant; (B) a fee of forty dollars for  
235 each license issued or renewed; and (C) the expense of any  
236 examination administered outside the state shall be the responsibility  
237 of the entity making the request and such entity shall pay to the  
238 commissioner one hundred dollars for such examination and the  
239 actual traveling expenses of the examination administrator to  
240 administer such examination; (16)] (15) with respect to certified  
241 insurance consultants: (A) An examination fee of thirteen dollars for  
242 each examination taken, except when a testing service is used, the  
243 testing service shall pay a fee of thirteen dollars to the commissioner  
244 for each examination taken by an applicant; (B) a fee of two hundred  
245 dollars for each license issued; and (C) a fee of one hundred twenty-  
246 five dollars for each license renewed; [(17)] (16) with respect to surplus  
247 lines brokers: (A) An examination fee of ten dollars for each



248 examination taken, except when a testing service is used, the testing  
249 service shall pay a fee of ten dollars to the commissioner for each  
250 examination taken by an applicant; and (B) a fee of five hundred  
251 dollars for each license issued or renewed; [(18)] (17) with respect to  
252 fraternal agents, a fee of forty dollars for each license issued or  
253 renewed; [(19)] (18) a fee of thirteen dollars for each license certificate  
254 requested, whether or not a license has been issued; [(20)] (19) with  
255 respect to domestic and foreign benefit societies shall pay: (A) For  
256 service of process, twenty-five dollars for each person or insurer to be  
257 served; (B) for filing a certified copy of its charter or articles of  
258 association, five dollars; (C) for filing the annual report, ten dollars;  
259 and (D) for filing any additional paper required by law, three dollars;  
260 [(21)] (20) with respect to foreign benefit societies: (A) For each  
261 certificate of organization or compliance, four dollars; (B) for each  
262 certified copy of permit, two dollars; and (C) for each copy of a report  
263 or certificate of condition of a society to be filed in any other state, four  
264 dollars; [(22)] (21) with respect to reinsurance intermediaries: A fee of  
265 five hundred dollars for each license issued or renewed; [(23)] (22)  
266 with respect to viatical settlement providers: (A) A filing fee of thirteen  
267 dollars for each initial application for a license made pursuant to  
268 section 38a-465a; and (B) a fee of twenty dollars for each license issued  
269 or renewed; [(24)] (23) with respect to viatical settlement brokers: (A) A  
270 filing fee of thirteen dollars for each initial application for a license  
271 made pursuant to section 38a-465a; and (B) a fee of twenty dollars for  
272 each license issued or renewed; [(25)] (24) with respect to viatical  
273 settlement investment agents: (A) A filing fee of thirteen dollars for  
274 each initial application for a license made pursuant to section 38a-465a;  
275 and (B) a fee of twenty dollars for each license issued or renewed;  
276 [(26)] (25) with respect to preferred provider networks, a fee of two  
277 thousand five hundred dollars for each license issued or renewed;  
278 [(27)] (26) with respect to rental companies, as defined in section 38a-  
279 799, a fee of forty dollars for each permit issued or renewed; and [(28)]  
280 (27) with respect to each duplicate license issued a fee of twenty-five  
281 dollars for each license issued.

282 Sec. 10. Subsection (a) of section 38a-769 of the general statutes is

283 repealed and the following is substituted in lieu thereof (*Effective*  
284 *October 1, 2005*):

285 (a) Any person, partnership, association or corporation, resident, or  
286 with its principal place of business in this state, or a nonresident of this  
287 state who is not licensed in any other state, desiring to act within this  
288 state as a public adjuster, casualty adjuster, [motor vehicle physical  
289 damage appraiser,] certified insurance consultant, surplus lines broker  
290 or desiring to engage in any insurance-related occupation for which a  
291 license is deemed necessary by the commissioner, other than an  
292 occupation as an insurance producer, shall make a written application  
293 to the commissioner for a resident license. Any other person,  
294 partnership, association or corporation desiring to so act or to engage  
295 in any insurance-related occupation for which a license is deemed  
296 necessary by the commissioner, other than an occupation as an  
297 insurance producer, shall make a written application to the  
298 commissioner for a nonresident license. No application for a  
299 nonresident license shall be granted unless the applicant holds an  
300 equivalent license from any other state. Any application for a resident  
301 or nonresident license shall be made for each name or designation  
302 under which such business shall be conducted, in such form as the  
303 commissioner prescribes, stating the line or lines of insurance for  
304 which the applicant desires such license and any other business which  
305 the applicant desires also to transact. All initial applications shall be  
306 accompanied by a nonrefundable filing fee specified in section 38a-11,  
307 as amended by this act. The commissioner shall cause to be made such  
308 inquiry and examination as to the qualifications of each such applicant  
309 as the commissioner deems necessary.

310 Sec. 11. Section 38a-770 of the general statutes is repealed and the  
311 following is substituted in lieu thereof (*Effective October 1, 2005*):

312 Whenever the Insurance Commissioner receives an application for  
313 an initial license or license renewal, pursuant to the requirements of  
314 sections 38a-702j, 38a-703 to 38a-718, inclusive, 38a-731 to 38a-735,  
315 inclusive, 38a-741 to 38a-745, inclusive, 38a-769, 38a-771 to 38a-777,

316 inclusive, 38a-786, [38a-790,] 38a-792 and 38a-794, which is not  
317 accompanied by the required fees, the commissioner shall return such  
318 application together with all accompanying fees, unless the  
319 commissioner, at the commissioner's discretion, chooses to invoice any  
320 such fees not submitted with the initial or renewal applications.  
321 Whenever the Insurance Commissioner receives an application  
322 accompanied by the required fees accepted by the commissioner, all  
323 examination and filing fees are deemed earned.

324 Sec. 12. Section 38a-771 of the general statutes is repealed and the  
325 following is substituted in lieu thereof (*Effective October 1, 2005*):

326 (a) Any person, firm, partnership, association or corporation  
327 holding a license issued pursuant to sections 38a-702j, 38a-703 to 38a-  
328 716, inclusive, 38a-731 to 38a-735, inclusive, 38a-741 to 38a-745,  
329 inclusive, 38a-769 to 38a-777, inclusive, 38a-786, [38a-790,] 38a-792 and  
330 38a-794 or holding a license in the name of a trade name shall notify  
331 the Insurance Commissioner, in writing, not later than thirty days after  
332 any: (1) Change in business or residence address; (2) change in  
333 employer; (3) change in name; or (4) change in licensed members of a  
334 firm, partnership, association or officers of a corporation as stated in  
335 the application for license.

336 (b) Any person, firm, partnership, association or corporation, or any  
337 person, firm, partnership, association or corporation acting as a trade  
338 name, holding a license issued pursuant to sections 38a-702j, 38a-703 to  
339 38a-718, inclusive, 38a-731 to 38a-735, inclusive, 38a-741 to 38a-745,  
340 inclusive, 38a-769 to 38a-777, inclusive, 38a-786, [38a-790,] 38a-792 and  
341 38a-794, shall notify the Insurance Commissioner, in writing, not later  
342 than thirty days after any bankruptcy proceeding or the conviction of a  
343 felony, or any administrative action taken against such licensee in  
344 another state not later than thirty days after the entering of the  
345 administrative order in that state. Such notification shall be  
346 accompanied by all supporting documentation.

347 (c) If, upon investigation, the commissioner determines that a  
348 producer has violated the provisions of subsection (b) of this section,

349 the commissioner may, following a hearing as specified in section 38a-  
350 774, impose a fine upon and suspend or revoke the license of the  
351 producer.

352 Sec. 13. Section 38a-772 of the general statutes is repealed and the  
353 following is substituted in lieu thereof (*Effective October 1, 2005*):

354 Any person wilfully misrepresenting any fact required to be  
355 disclosed in any application or in any other form, paper or document  
356 required to be filed with the commissioner in connection with an  
357 application for any license issued by the commissioner pursuant to  
358 sections 38a-702j, 38a-703 to 38a-718, inclusive, 38a-731 to 38a-735,  
359 inclusive, 38a-741 to 38a-745, inclusive, 38a-769 to 38a-777, inclusive,  
360 38a-786, [38a-790,] 38a-792 and 38a-794 shall be fined not more than  
361 five hundred dollars or imprisoned not more than six months, or both.

362 Sec. 14. Section 42-271 of the general statutes is repealed and the  
363 following is substituted in lieu thereof (*Effective October 1, 2005*):

364 (a) A lessor may charge, receive or collect excess wear and tear  
365 charges only if the lease sets forth reasonable standards for wear and  
366 tear and any excess wear and tear charges are assessed in accordance  
367 with the specified standards. These charges shall not exceed the  
368 amounts stated in an itemized estimate, prepared by a motor vehicle  
369 physical damage appraiser licensed under section [38a-790] 2 of this  
370 act or repair shop licensed under section 14-52, selected by the lessor,  
371 of the reasonable cost of repairs.

372 (b) Within forty-five days after the return of the leased motor  
373 vehicle or such earlier date as otherwise agreed by the parties, the  
374 lessor shall give the lessee notice, by registered or certified mail, return  
375 receipt requested, or personal delivery stating the amount of excess  
376 wear and tear charges claimed and containing an itemized estimate  
377 upon which they are based and indicating that the lessee may contest:  
378 (1) Whether any item for which an excess wear and tear charge has  
379 been claimed constitutes excess wear and tear; and (2) the amount of  
380 any excess wear and tear charge. The lessor's notice shall specify the

381 names, addresses and telephone numbers of at least three persons who  
382 are licensed appraisers or repair shops unaffiliated with the lessor that  
383 are acceptable to the lessor. Failure to notify the lessee within the time  
384 established by this subsection shall be a waiver of the lessor's right to  
385 recover those charges.

386 (c) The lessee may contest whether any item for which an excess  
387 wear and tear charge has been claimed constitutes excess wear and  
388 tear and the amount of any excess wear and tear charge by giving the  
389 lessor notice in writing within fourteen days after the lessor's notice is  
390 mailed or delivered in accordance with subsection (b) of this section  
391 specifying the excess wear and tear items to which such lessee objects.

392 (d) If the lessee gives the lessor notice in accordance with subsection  
393 (c) of this section, the lessee may obtain an itemized estimate at the  
394 lessee's expense from a licensed appraiser or repair shop within  
395 fourteen days after the lessor's notice is mailed or delivered in  
396 accordance with subsection (b) of this section. If the estimate obtained  
397 by the lessee is prepared by a motor vehicle physical damage appraiser  
398 licensed under section [38a-790] 2 of this act or repair shop licensed  
399 under section 14-52 specified in the lessor's notice, the lower of the two  
400 estimates shall be the amount charged the lessee for excess wear and  
401 tear under this section. If the estimate obtained by the lessee is  
402 prepared by a motor vehicle physical damage appraiser licensed under  
403 section [38a-790] 2 of this act or repair shop licensed under section 14-  
404 52 other than such a shop or appraiser specified in the lessor's notice,  
405 the two estimates shall establish the upper and lower limits of the  
406 amount charged the lessee for excess wear and tear under this section.

407 (e) The lessor shall allow the licensed appraiser or repair shop  
408 selected by the lessee reasonable access to the leased motor vehicle  
409 during the time within which the lessee may obtain an appraisal. If the  
410 lessor fails to retain the leased motor vehicle during the time within  
411 which the lessee may obtain an appraisal or fails to allow the licensed  
412 appraiser or repair shop specified by the lessee the required reasonable  
413 access to the leased motor vehicle, the lessor's failure shall be a waiver

414 of the lessor's right to recover any charges under this section.

415 Sec. 15. Subsection (d) of section 7-479e of the general statutes is  
416 repealed and the following is substituted in lieu thereof (*Effective*  
417 *October 1, 2005*):

418 (d) Each such interlocal risk management pool and interlocal risk  
419 management agency shall, except as specifically designated in this  
420 section, be exempt from the provisions of the general statutes relating  
421 to insurance. The sections of the general statutes applicable to an  
422 interlocal risk management pool and interlocal risk management  
423 agency shall be: Sections 38a-11, 38a-14, 38a-17 to 38a-19, inclusive,  
424 38a-49, 38a-51 to 38a-53, inclusive, 38a-56, 38a-76, 38a-321, 38a-334 to  
425 38a-336a, inclusive, 38a-338, 38a-340 to 38a-343, inclusive, 38a-350, 38a-  
426 363 to 38a-387, inclusive, 38a-663 to 38a-666, inclusive, 38a-669, 38a-  
427 671, 38a-675 to 38a-682, inclusive, [38a-790,] 38a-792, 38a-806, 38a-815  
428 to 38a-819, inclusive, and 38a-828.

429 Sec. 16. Subsection (g) of section 38a-155 of the general statutes is  
430 repealed and the following is substituted in lieu thereof (*Effective*  
431 *October 1, 2005*):

432 (g) All insurance products sold through the insurance companies  
433 authorized by this section and the insurance company authorized by  
434 section 4 of public act 84-323\* shall be available to be sold by any  
435 licensed independent agent, as provided in sections 38a-702j, 38a-703  
436 to 38a-718, inclusive, 38a-731 to 38a-735, inclusive, 38a-741 to 38a-745,  
437 inclusive, 38a-769 to 38a-777, inclusive, 38a-786, [38a-790,] 38a-792 and  
438 38a-794 and so authorized by such insurance company.

439 Sec. 17. Section 38a-188 of the general statutes is repealed and the  
440 following is substituted in lieu thereof (*Effective October 1, 2005*):

441 Each health care center governed by sections 38a-175 to 38a-192,  
442 inclusive, shall be exempt from the provisions of the general statutes  
443 relating to insurance in the conduct of its operations under said  
444 sections and in such other activities as do constitute the business of

445 insurance, unless expressly included therein, and except for the  
446 following: Sections 38a-11, 38a-17, 38a-51, 38a-52, 38a-56, 38a-57, 38a-  
447 129 to 38a-140, inclusive, 38a-147 and 38a-815 to 38a-819, inclusive,  
448 provided a health care center shall not be deemed in violation of  
449 sections 38a-815 to 38a-819, inclusive, solely by virtue of such center  
450 selectively contracting with certain providers in one or more  
451 specialties, and sections 38a-80, 38a-492b, 38a-518b, 38a-543, 38a-702j,  
452 38a-703 to 38a-718, inclusive, 38a-731 to 38a-735, inclusive, 38a-741 to  
453 38a-745, inclusive, 38a-769, 38a-770, 38a-772 to 38a-777, inclusive, 38a-  
454 786, [38a-790,] 38a-792 and 38a-794, provided a health care center  
455 organized as a nonprofit, nonstock corporation shall be exempt from  
456 sections 38a-146, 38a-702j, 38a-703 to 38a-718, inclusive, 38a-731 to 38a-  
457 735, inclusive, 38a-741 to 38a-745, inclusive, 38a-769, 38a-770, 38a-772  
458 to 38a-777, inclusive, 38a-786, [38a-790,] 38a-792 and 38a-794. If a  
459 health care center is operated as a line of business, the foregoing  
460 provisions shall, where possible, be applied only to that line of  
461 business and not to the organization as a whole. The commissioner  
462 may adopt regulations, in accordance with chapter 54, stating the  
463 circumstances under which the resources of a person which controls a  
464 health care center, or operates a health care center as a line of business  
465 will be considered in evaluating the financial condition of a health care  
466 center. Such regulations, if adopted, shall require as a condition to the  
467 consideration of the resources of such person which controls a health  
468 care center, or operates a health care center as a line of business to  
469 provide satisfactory assurances to the commissioner that such person  
470 will assume the financial obligations of the health care center. During  
471 the period prior to the effective date of regulations issued under this  
472 section, the commissioner shall, upon request, consider the resources  
473 of a person which controls a health care center, or operates a health  
474 care center as a line of business, if the commissioner receives  
475 satisfactory assurances from such person that it will assume the  
476 financial obligations of the health care center and determines that such  
477 person meets such other requirements as the commissioner determines  
478 are necessary. A health care center organized as a nonprofit, nonstock  
479 corporation shall be exempt from the sales and use tax and all property

480 of each such corporation shall be exempt from state, district and  
 481 municipal taxes. Each corporation governed by sections 38a-175 to 38a-  
 482 192, inclusive, shall be subject to the provisions of sections 38a-903 to  
 483 38a-961, inclusive. Nothing in this section shall be construed to  
 484 override contractual and delivery system arrangements governing a  
 485 health care center's provider relationships.

486 Sec. 18. Section 38a-790 of the general statutes is repealed. (*Effective*  
 487 *October 1, 2005*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2005</i>	New section
Sec. 2	<i>October 1, 2005</i>	New section
Sec. 3	<i>October 1, 2005</i>	New section
Sec. 4	<i>October 1, 2005</i>	New section
Sec. 5	<i>October 1, 2005</i>	New section
Sec. 6	<i>October 1, 2005</i>	New section
Sec. 7	<i>October 1, 2005</i>	New section
Sec. 8	<i>October 1, 2005</i>	New section
Sec. 9	<i>October 1, 2005</i>	38a-11(a)
Sec. 10	<i>October 1, 2005</i>	38a-769(a)
Sec. 11	<i>October 1, 2005</i>	38a-770
Sec. 12	<i>October 1, 2005</i>	38a-771
Sec. 13	<i>October 1, 2005</i>	38a-772
Sec. 14	<i>October 1, 2005</i>	42-271
Sec. 15	<i>October 1, 2005</i>	7-479e(d)
Sec. 16	<i>October 1, 2005</i>	38a-155(g)
Sec. 17	<i>October 1, 2005</i>	38a-188
Sec. 18	<i>October 1, 2005</i>	38a-790 repealed

**GL**      *Joint Favorable Subst.*



The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

### **OFA Fiscal Note**

#### **State Impact:**

Agency Affected	Fund-Effect	FY 06 \$	FY 07 \$
Insurance Dept.	IF - Savings	65,000	65,000
Consumer Protection, Dept.	GF - Cost	146,859	140,759
Insurance Dept.	GF - Revenue	16,875	16,875
	Loss		
Consumer Protection, Dept.	GF - Revenue	16,875	16,875
	Gain		
Comptroller Misc. Accounts (Fringe Benefits)	GF - Cost	46,373	46,373
Judicial Dept.	GF - Revenue	Less than	Less than
	Gain	10,000	10,000
Correction, Dept.; Judicial Dept. (Probation)	GF - Cost	Potential	Potential

Note: IF=Insurance Fund; GF=General Fund

#### **Municipal Impact:** None

#### **Explanation**

The bill transfers the licensing of motor vehicle damage appraisers from the Department of Insurance (DOI) to the Department of Consumer Protection (DCP). The current cost to license motor vehicle damage appraisers to the DOI is approximately \$65,000 annually. It is estimated that the Department of Consumer Protection would incur costs of \$140,759 in FY 06 and FY 07 for a Special Investigator (\$75,692 annually), a Processing Technician (\$58,177 annually), and recurring other expenses.<sup>1</sup> DCP would also incur one-time start up costs of \$6,100 in FY 06 in Other Expenses and Equipment.

<sup>1</sup> The fringe benefit costs for state employees are budgeted centrally in the Miscellaneous Accounts administered by the Comptroller. The estimated fringe benefit reimbursement rate as a percentage of payroll is 53.91%, effective July 1, 2004. However, first year fringe benefit costs for new positions do not include pension costs lowering the rate to 22.65%. The state's pension contribution is based upon the prior year's certification by the actuary for the State Employees Retirement System.

In FY 04, DOI collected \$16,875 in motor vehicle damage appraiser license and renewal fees. Under the bill, motor vehicle damage appraiser license fees would be collected by DCP. This will result in a minimal revenue loss to DOI and a minimal revenue gain to DCP.

The bill makes it a crime, which is punishable by a fine of up to \$500 or imprisonment for up to one year, or both, for any person not licensed by the Department of Consumer Protection to act as an appraiser for motor vehicle physical damage claims. Any revenue gain from criminal penalties is expected to be minimal. To the extent that offenders are prosecuted criminally and subsequently convicted or plead guilty, the state could incur a cost associated with incarceration and/or probation supervision in the community.

On average, it costs the state \$2,150 to supervise an offender on probation in the community as compared to \$35,040 to incarcerate the offender (note that both figures include fringe benefits).

---

**OLR Bill Analysis**

sSB 179

***AN ACT CONCERNING THE LICENSING AND REGULATIONS OF  
MOTOR VEHICLE APPRAISERS*****SUMMARY:**

This bill transfers licensing of motor vehicle damage appraisers from the Insurance Department to the Department of Consumer Protection. Under the bill, the licensing standards, process, and fees are the same as they are under current law. Similarly, the bill vests the consumer protection commissioner with the same power to adopt regulations concerning motor vehicle damage appraisers as is currently enjoyed by the insurance commissioner.

EFFECTIVE DATE: October 1, 2005

**TRANSFERRED LICENSING FUNCTION**

The law requires individuals and businesses to obtain a license from the state before appraising motor vehicle physical damage on behalf of an insurance company or a firm engaged in the business of adjusting or appraising motor vehicle claims. The biennial license fee is \$40.

The law requires all resident applicants, both individuals and businesses, to apply in writing and pass a written examination. It is not clear how the commissioner of consumer protection will give a written licensing examination to an entity other than an individual. It is also not clear under current law, but under current practice, the insurance commissioner requires the businesses that seek a license to be licensed together with a designated individual who is required to take the licensing examination. The examination may be given by a testing service.

Nonresidents may be licensed without examination if they hold an equivalent license issued by another state. The law authorizes the insurance commissioner to adopt regulations concerning license qualifications, suspensions, and revocations and concerning business methods. A violator is subject to a penalty of a fine of up to \$500, one

year in prison, or both. The bill eliminates these provisions as they relate to the Insurance Department and establishes the same provisions relating to the Department of Consumer Protection.

**COMMITTEE ACTION**

General Law Committee

Joint Favorable Substitute

Yea 14      Nay 0